IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 23224 of 2007(M)

OA.96/2002 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

SHRI.JOHNSON, S/O.ENASU,
THOTTIYAN HOUSE, CHENGALOOR P.O.

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS:

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1. **THE SOUTH INDIAN BANK LTD.,**
   TRICHUR, A BANKING COMPANY, REG. UNDER THE
   COMPANIES ACT 1956, REPRESENTED BY ITS MANAGER,
   KARUNAGAPPALLY BRANCH, KOLLAM DISTRICT.

2. **TRICHUR JEWELERS, OPP:A.M.HOSPITAL,**
   KARUNAGAPPILLY.

3. **THE RECOVERY OFFICER, OFFICE OF THE**
   DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

4. **MR.JINSON RAPHEL NEDUMBAKKARAN HOUSE,**
   ANCHERI P.O., TRICHUR.

5. **DAVY RAPHEL, -DO-, -DO-.**

6. **SMT. MARY RAPHEL, -DO-, -DO-.**

7. **SMT.REENA C.O., CHAMAVALAPPIL HOUSE,**
   THRITHAMANGALAM P.O., PALAKKAD.

8. **ANILKUMAR SIDHARTHAN, KANNOLI HOUSE,**
   INJIMUDI, THRISSUR.

BY ADV. SRI.P.A.AUGUSTINE(AREEKATTEL) for R8
SRI. K.PRABHAKARAN, SC for South Indian Bank for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007 ALONG WITH WPC NO. 23223 OF 2007 AND WPC NO. 23231 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.232242007 M

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE SALE DEED DTD. 29/04/03.**

EXT.P2: **COPY OF THE DEED EXECUTED BEFORE THE SUB COURT, TRICHUR DTD. 5/11/02.**

EXT.P3: **COPY OF THE O.S.331/01 DTD. 18/10/01 OF THE PRINCIPAL SUB JUDGE, THRISSUR.**

EXT.P4: **COPY OF THE ENCUMBRANCE CERTIFICATE.**

EXT.P5: **COPY OF THE POSSESSION CERTIFICATE NO.272/06 DTD. 25/01/2006.**

EXT.P6: **COPY OF THE ORDER IN I.A.NO.1863/06 IN DRC NO.1185 IN O.A.96/02 DTD. 23/03/2007.**

EXT.P7: **COPY OF THE JUDGMENT IN WP(C) NO.15865/2007 DTD. 28/05/2007 BEFORE THIS HONOURABLE COURT.**

EXT.P8: **COPY OF THE ORDER IN O.A.NO.96/2002 OF THE DRT, ERNAKULAM.**

/TRUE COPY/

P.A.TO JUDGE

KSS

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.23224, 23231 & 23223 of 2007

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Dated this the 16th day of August, 2007.

ORDER

There will be stay against release of excess deposited by purchaser to the judgment debtors for a period of one month.

Hand over.

C.N.RAMACHANDRAN NAIR
Judge

pms